

LESLIE MARK STOVALL, ESQ.
Nevada Bar No. 2566
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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DEVRA HANEY-WILLIAMS,

Plaintiff,

SAM'S WEST INC., dba SAM'S PHARMACY
#10-4974,

Defendants.

Case No.: 2:17-cv-02900-JCM-EJY

**STIPULATION AND ORDER
EXTENDING TIME TO FILE RESPONSE
BRIEFS TO PENDING MOTIONS ECF
NOS. 136, 137, 138, 139**

[SECOND REQUEST]

SAM'S WEST INC.,

Third-Party Plaintiff,

JUBILANT CADISTA
PHARMACEUTICALS, INC., and DOES 1-10,
inclusive,

Third-Party Defendants.

Plaintiff DEVRA HANEY-WILLIAMS (hereinafter “Plaintiff”), Defendant/Third-Party Plaintiff SAM’S WEST, INC. (hereinafter “Sam’s West”), (collectively, “the Parties”), by and through their respective counsel of record, do hereby stipulate and jointly request that the court approve extensions of time for the parties to file responses with respect to the following motions currently pending before this Court:

(1) Defendant Sam's West, Inc.'s Motion For Summary Judgment On The First Amended Complaint Filed By Plaintiff Devra Haney-Williams [ECF No. 136] – Response due **December 3, 2021, Reply due December 17, 2021**

- (2) Defendant Sam's West, Inc.'s Motion to Exclude Plaintiff's Untimely Disclosure of Expert Christopher Milford M.D. Pursuant to FRCP 37(c)(1) [ECF No. 137] – Response due **December 3, 2021**, Reply due **December 17, 2021**
- (3) Plaintiff's Motion To Strike Defendant's Expert Neal L. Benowitz, M.D. [ECF No. 138] – Response due **December 3, 2021**, Reply due **December 17, 2021**
- (4) Plaintiff's Motion for Summary Judgment [ECF No. 139] – Response due **December 3, 2021**, Reply due **December 17, 2021**

The responses to the above motions have required extensive briefing regarding the facts of the case and the law applicable to the motions and the parties require additional time to complete the responses. The parties have agreed to an extension of time for the responses from December 3, 2021 to December 7, 2021, with the current reply date of December 17, 2021 to remain. The parties aver that this is the second stipulation for an extension of time with respect to these Motions, that the requested extension will not alter any date previously set by the Court in this matter, and this request is made in good faith and not for purposes of delay.

IT IS HEREBY STIPULATED AND AGREED as follows:

- (1) Plaintiff's Opposition to Sam's West's Motion for Summary Judgment [ECF No. 136] shall be due **December 7, 2021**;
- (2) Sam's West's Reply Brief in support of their Motion for Summary Judgment [ECF No. 136] shall be due **December 17, 2021**;
- (3) Plaintiff's Opposition to Sam's West's Motion to Exclude Plaintiff's Untimely Disclosure of Expert Christopher Milford M.D. Pursuant to FRCP 37(c)(1) [ECF No. 137] shall be due **December 7, 2021**;
- (4) Sam's West's Reply in Support of their Motion to Exclude Plaintiff's Untimely Disclosure of Expert Christopher Milford M.D. Pursuant to FRCP 37(c)(1) [ECF No. 137] shall be due **December 17, 2021**;
- (5) Sam's West's Opposition to Plaintiff's Motion To Strike Defendant's Expert Neal L. Benowitz, M.D. [ECF No. 138] shall be due **December 7, 2021**;

1 (6) Plaintiff's Reply Brief in Support of Motion to Strike Defendant's Expert Neal L.
2 Benowitz, M.D. [ECF No. 138] shall be due **December 17, 2021**;
3 (7) Sam's West's Opposition to Plaintiff's Motion for Summary Judgment [ECF No. 139]
4 shall be due **December 7, 2021**;
5 (8) Plaintiff's Reply Brief in support of her Motion for Summary Judgment [ECF No. 139]
6 shall be due **December 17, 2021**.

7 **IT IS SO AGREED AND STIPULATED.**

8 Dated: December 1, 2021

9 **PHILLIPS, SPALLAS & ANGSTADT LLC**

10 /s/ *Alyce W. Foshee*

11 ROBERT K. PHILLIPS
12 Nevada Bar No. 11441
13 ALYCE W. FOSHEE
14 Nevada Bar No. 14519
15 504 South Ninth Street
16 Las Vegas, Nevada 89101
17 *Attorneys for Defendant/Third-Party Plaintiff*
18 *Sam's West, Inc.*

19 Dated: December 1, 2021

20 **STOVALL & ASSOCIATES**

21 /s/ *Ross Moynihan*

22 LESLIE MARK STOVALL, ESQ.
23 Nevada Bar No. 2566
24 ROSS MOYNIHAN, ESQ.
25 Nevada Bar No. 11848
26 2301 Palomino Lane
27 Las Vegas, Nevada 89107
28 *Attorneys for Plaintiff*
Devra Haney-Williams

29 **IT IS SO ORDERED.**

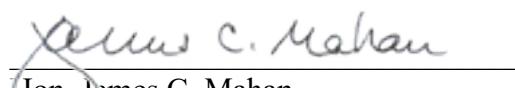
30 Dated: December 1, 2021

31 **MORRISON MAHONEY LLP**

32 /s/ *Arthur J. Liederman*

33 ARTHUR J. LIEDERMAN, ESQ.
34 (admitted pro hac vice)
35 New York Bar No. 1184167
36 Wall Street Plaza
37 88 Pine Street, Suite 1900
38 New York, NY 10005
39 ADAM R. KNECHT, ESQ.
40 Nevada State Bar No. 13166
41 ALVERSON TAYLOR & SANDERS
42 6605 Grand Montecito Parkway, Suite 200
43 Las Vegas, Nevada 89149
44 *Attorneys for third-Party Defendant Jubilant*
45 *Cadista Pharmaceuticals, Inc.*

46 Dated December 3, 2021.

47 
48 Hon. James C. Mahan
49 UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 2nd day of December 2021, service of the foregoing
Stipulation and [Proposed] Order was made by electronic service through CM/ECF to:

Robert K. Phillips, Esq.
Alyce Foshee, Esq.
PHILLIPS SPALLAS & ANGSTADT, LLC
504 S. Ninth Street
Las Vegas, NV 89101
Attorneys for Defendant Sam's West, Inc.

Nicole M. Battisti, Esq.
MORRISON MAHONEY LLP
Wall Street Plaza
88 Pine Street, Suite 1900
New York, NY 10005
Adam Knecht, Esq.
Alverson Taylor & Sanders
6605 Grand Montecito Pkwy., Suite 200
Las Vegas, NV 89149
Attorneys for Jubilant Cadista Pharmaceuticals, Inc.

/s/ *Melina Gonzalez*

An Employee of Stovall & Associates

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Nevada Bar No. 2566
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2301 Palomino Lane
Las Vegas, NV 89107
Telephone: (702) 258-3034
E-service: court@lesstovall.com
Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DEVRA HANEY-WILLIAMS,

Plaintiff,

SAM'S WEST INC., dba SAM'S PHARMACY
#10-4974,

Defendants.

SAM'S WEST INC.,

Third-Party Plaintiff

JUBILANT CADISTA

PHARMACEUTICALS, INC., and DOES 1-10,
inclusive,

Third-Party Defendants.

Case No.: 2:17-cv-02900-JCM-EJY

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EXTENDING TIME TO FILE RESPONSE
BRIEFS TO PENDING MOTIONS ECF
NOS. 136, 137, 138, 139**

[SECOND REQUEST]

Plaintiff DEVRA HANEY-WILLIAMS (hereinafter “Plaintiff”), Defendant/Third-Party Plaintiff SAM’S WEST, INC. (hereinafter “Sam’s West”), (collectively, “the Parties”), by and through their respective counsel of record, do hereby stipulate and jointly request that the court approve extensions of time for the parties to file responses with respect to the following motions currently pending before this Court:

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1 (6) Plaintiff's Reply Brief in Support of Motion to Strike Defendant's Expert Neal L.
2 Benowitz, M.D. [ECF No. 138] shall be due **December 17, 2021**;
3 (7) Sam's West's Opposition to Plaintiff's Motion for Summary Judgment [ECF No. 139]
4 shall be due **December 7, 2021**;
5 (8) Plaintiff's Reply Brief in support of her Motion for Summary Judgment [ECF No. 139]
6 shall be due **December 17, 2021**.

7 **IT IS SO AGREED AND STIPULATED.**

8 Dated: December 1, 2021

9 **PHILLIPS, SPALLAS & ANGSTADT LLC**

10 /s/ *Alyce W. Foshee*

11 ROBERT K. PHILLIPS
12 Nevada Bar No. 11441
13 ALYCE W. FOSHEE
14 Nevada Bar No. 14519
504 South Ninth Street
Las Vegas, Nevada 89101

15 *Attorneys for Defendant/Third-Party Plaintiff
16 Sam's West, Inc.*

17 Dated: December 1, 2021
20 **STOVALL & ASSOCIATES**

21 /s/ *Ross Moynihan*

22 **LESLIE MARK STOVALL, ESQ.**
23 Nevada Bar No. 2566
24 **ROSS MOYNIHAN, ESQ.**
25 Nevada Bar No. 11848
26 2301 Palomino Lane
Las Vegas, Nevada 89107
27 *Attorneys for Plaintiff
Devra Haney-Williams*

8 Dated: December 1, 2021

9 **MORRISON MAHONEY LLP**

10 /s/ *Arthur J. Liederman*

11 ARTHUR J. LIEDERMAN, ESQ.
(admitted pro hac vice)
12 New York Bar No. 1184167
13 Wall Street Plaza
14 88 Pine Street, Suite 1900
New York, NY 10005

15 **ADAM R. KNECHT, ESQ.**
16 Nevada State Bar No. 13166
17 **ALVERSON TAYLOR & SANDERS**
18 6605 Grand Montecito Parkway, Suite 200
19 Las Vegas, Nevada 89149

20 *Attorneys for third-Party Defendant Jubilant
21 Cadista Pharmaceuticals, Inc.*

1 *Haney-Williams vs. Sam's West, Inc.*
2 *2:17-cv-02900-JCM-EJY*
3 *Stipulation and Order*

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 1st day of December 2021, service of the foregoing
Stipulation and [Proposed] Order was made by electronic service through CM/ECF to:

Robert K. Phillips, Esq.
Alyce Foshee, Esq.
PHILLIPS SPALLAS & ANGSTADT, LLC
504 S. Ninth Street
Las Vegas, NV 89101
Attorneys for Defendant Sam's West, Inc.

Nicole M. Battisti, Esq.
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88 Pine Street, Suite 1900
New York, NY 10005
Adam Knecht, Esq.
Alverson Taylor & Sanders
6605 Grand Montecito Pkwy., Suite 200
Las Vegas, NV 89149
Attorneys for Jubilant Cadista Pharmaceuticals, Inc.

/s/ *Melina Gonzalez*

An Employee of Stovall & Associates

Melina Gonzales

From: Battisti, Nicole <NBattisti@morrisonmahoney.com> on behalf of Battisti, Nicole
Sent: Wednesday, December 1, 2021 3:02 PM
To: Ross Moynihan
Cc: Alyce Foshee
Subject: Re: Haney-Williams SAO to extend time to file response

Good here. Thanks.

Nicole M. Battisti

Partner

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Wall Street Plaza
88 Pine Street, Suite 1900, New York, NY 10005
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Connecticut | Massachusetts | New Hampshire | New Jersey | New York | Rhode Island | United Kingdom

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On Dec 1, 2021, at 5:46 PM, Ross Moynihan <ross@lesstovall.com> wrote:

****External Email****

Thank you.

Nicole, please respond.

From: Alyce Foshee <afoshee@psalaw.net>
Sent: Wednesday, December 1, 2021 1:43 PM
To: Ross Moynihan <ross@lesstovall.com>
Cc: Battisti, Nicole <NBattisti@morrisonmahoney.com>
Subject: RE: Haney-Williams SAO to extend time to file response

Ross, you my affix my signature.

Thanks,

Alyce Foshee

Partner

—
San Francisco | Las Vegas | Los Angeles | Napa Valley

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From: Ross Moynihan <ross@lesstovall.com>
Sent: Wednesday, December 1, 2021 1:34 PM
To: Alyce Foshee <afoshee@psalaw.net>; Ross@lesstovall.com
Cc: Battisti, Nicole <NBattisti@morrisonmahoney.com>
Subject: FW: Haney-Williams SAO to extend time to file response

CAUTION: This Sender is Outside the PSA Organization! DO NOT click links or open attachments unless you recognize the sender and know the content is safe!

Alyce,

Please find attached a draft stipulation and order to extend our opposition due dates to 12/7. Please review and advise if I may affix your esignature.

Nicole,

At my request, Alyce and I agreed to extend the opposition due dates on our respective motions to 12/7. It does not affect your motion but I have included you on the stipulation as you are a party. Please advise if I have approval to affix Arthur's esignature to the stipulation.

Thanks,

Ross Moynihan

From: Melina Gonzales <melina@lesstovall.com>
Sent: Wednesday, December 1, 2021 1:27 PM
To: Ross Moynihan <ross@lesstovall.com>
Subject: Haney-Williams SAO to extend time to file response

Melina Gonzalez
Legal Assistant
Stovall & Associates